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Criminal justice reform and strengthening of legal institutions: measures to regulate firearms

Report of the Secretary-General

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Introduction

1. The Economic and Social Council, in its resolution 1997/28, reiterated its request to the Secretary-General to publish the United Nations international study on firearm regulation. In the same resolution, the Council requested the Secretary-General to include in the provisional agendas for the four regional workshops on firearm regulation the possible development of a United Nations declaration of principles, based on the regulatory approaches suggested in that resolution; to seek views of Member States, institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the development of a declaration of principles; to explore ways and means of developing a programme of continuing education for criminal justice administrators and of public education and awareness-building in relation to the links between firearms in civilian use and the unacceptable levels of violence in cities, communities and families; and to submit a report on the implementation of that resolution to the Commission on Crime Prevention and Criminal Justice at its seventh session.

I. International study on firearm regulation and follow-up

2. The draft United Nations international study on firearm regulation was made available to the Commission at its sixth session. With the support of the Governments of Australia, Canada and Japan, the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat is taking steps to publish in English, French and Spanish the United Nations International Study on Firearm Regulation, which will include information provided by 69 Governments. The study will be issued as a United Nations publication.[1]

3. The Centre is continuing to update the database on the regulation of firearms, which is available on the World Wide Web (http://www.ifs.univie.ac.at/~uncjin/firearms/), using information received from Governments. At the end of February 1998, the number of replies rose to 74.

4. Pursuant to Economic and Social Council resolution 1997/28, paragraph 2, the Secretary-General invited Member States to provide the names and addresses of contact persons and organizations responsible for providing relevant information on firearms and enhancing the existing database on firearms. Besides those countries which had already reported their contact points in their replies to the survey used to prepare the study on firearm regulation, the Governments of the following countries provided that information separately: Belgium, Bulgaria, Cook Islands, Denmark, Finland, Kenya, Liechtenstein, Lithuania, Madagascar, Netherlands, Philippines, Russian Federation, Samoa, Sweden, Turkey and United Kingdom of Great Britain and Northern Ireland.

II. Regional workshops on firearm regulation

5. Pursuant to Economic and Social Council resolutions 1996/28 and 1997/28, four workshops on firearm regulation were held between September 1997 and January 1998: in Africa, the Americas, Asia and Europe. Each workshop was based on a specially developed and regionally adjusted training course syllabus that contained case studies and provided for the possibility of practical interaction among the workshop participants. The workshops were conducted with the assistance of a consultant who placed the results of the United Nations International Study on Firearm Regulation in the context of each region with a view to maximizing the synergy of the workshops, leading to better bilateral and multilateral law enforcement and other practical cooperation.

6. The regional workshop on firearm regulation in Europe was held at Ljubljana from 22 to 26 September 1997 at the invitation of the Government of Slovenia. Individuals from the following Member States attended the workshop: Albania, Armenia, Azerbaijan, Canada, Croatia, Czech Republic, Finland, France, Greece, Lithuania, Netherlands, Norway, Poland, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom and United States of America. The European Institute on Crime Prevention and Control, affiliated with the United Nations, the International Criminal Police Organization (Interpol) and the secretariat of the Wassenaar Arrangement of Export Controls for Conventional Arms and Dual-Use Goods and Technologies were also represented. Workshop meetings were attended by representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: International Fellowship of Reconciliation and International Society of Social Defense (special consultative status); and National Rifle

Association of America/Institute for Legislative Action and Verification Technology Information Centre (roster A).

7. The regional workshop on firearm regulation in Africa was held at Arusha from 3 to 7 November 1997 at the invitation of the Government of the United Republic of Tanzania. Individuals from the following Member States attended the workshop: Algeria, Benin, Botswana, Burkina Faso, Canada, Côte d'Ivoire, Egypt, Ethiopia, Gambia, Guinea, Kenya, Lesotho, Madagascar, Mali, Mozambique, Nigeria, Rwanda, Senegal, Seychelles, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe. Interpol was also represented. Workshop meetings were attended by representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: Friends World Committee for Consultation and International Fellowship of Reconciliation (special consultative status); and National Rifle Association of America/Institute for Legislative Action (roster A).

8. The regional workshop on firearm regulation in the Americas was held at São Paulo, Brazil, from 8 to 12 December 1997 at the invitation of the Government of Brazil and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders. Individuals from the following Member States attended the workshop: Antigua and Barbuda, Argentina, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Mexico, Paraguay, Peru, Spain, Trinidad and Tobago, United States and Uruguay. Also represented were the United Nations Institute for Disarmament Research, the World Health Organization and Interpol. Workshop meetings were attended by representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: Friends World Committee for Consultation, International Fellowship of Reconciliation and World Society of Victimology (special consultative status); and Congress of Racial Equality, National Rifle Association of America/Institute for Legislative Action and Verification Technology Information Centre (roster A).

9. The regional workshop on firearm regulation in Asia was held at New Delhi from 27 to 31 January 1998 at the invitation of the Government of India and the National Institute of Criminology and Forensic Science of the Ministry of Home Affairs. Individuals from the following Member States attended the workshop: Australia, China, Fiji, Indonesia, Iran (Islamic Republic of), Japan, Malaysia, Mongolia, New Zealand, Philippines, Qatar, Republic of Korea, Russian Federation, Samoa, Singapore, Sri Lanka, Thailand and Viet Nam. Also represented were the United Nations Institute for Disarmament Research, Interpol and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. Workshop meetings were attended by representatives of the following non-governmental organizations in consultative status with the Economic and Social Council: International Fellowship of Reconciliation (special consultative status); and National Rifle Association of America/Institute for Legislative Action (roster A).

10. The workshops reviewed regional developments and priorities of firearm regulation. They also reviewed a number of issues raised in the draft United Nations international study on firearm regulation. The workshops focused on issues concerning firearm legislation and on the transnational aspects of illicit trafficking in firearms (see annex I). The workshops also provided forums in which Governments could share information in the field of firearm regulation and create common substantive reference points to enable the relevant authorities of each Government to further develop cooperation with their counterparts in other countries.

A. Summary of the workshops

11. The workshops contributed to an informative exchange of views on the issues involved in national legislation on firearm regulation through presentations, case studies, information exchanges and discussions. It was noted that it was important to bear in mind the existing policy of each country, which was based on its unique historical and cultural background. The main issues discussed at the workshops are presented below. A diversity of views were expressed on each issue, and no consensus was sought or achieved on any specific issue or proposal made. The reasons contributing to the diversity of views and approaches expressed at the workshops were considered as the following: (a) the varying historical, cultural and regional situations of the participating countries; (b) the varying domestic legal systems of the participating countries; and (c) the varying conceptions of the participants of the most effective approaches to the problem of the criminal misuse of firearms.

1. Purposes for owning firearms

12. Participants at the workshops discussed the various purposes for owning firearms. Some of the purposes identified by participants included sport shooting, hunting, protection of life and property, collecting, and private security. The workshops also discussed various regulations that might be appropriate within each identified ownership purpose, as follows:

(a) *Sports*. The view was expressed that there should be restrictions regarding the type and kinds of firearms used in sports. Some participants were of the view that those applying for authorization to use firearms for sporting purposes should leave their firearms in the safe storage facilities of sporting clubs;

(b) *Game and hunting*. Some participants mentioned that restrictions on the transportation of firearms used for hunting and the perimeters of hunting grounds should be specified. Some participants noted the need to restrict firearm use for that purpose in order to protect wildlife;

(c) *Protection of life and property*. Views expressed by some participants on the use of firearms to protect life and property included the following: persons applying for authorization to use firearms for personal protection should be obliged to establish real and serious reasons for their use; civilians should be allowed to carry firearms on the premises of their own property and with restrictions in public areas; and only smooth-bored weapons should be allowed. Some participants were of the opinion that only when a State could not protect its citizens adequately did they have the right to possess firearms;

(d) *Collection*. Several participants accepted this purpose as proper for acquiring a firearm. It was noted at some workshops that firearms in private collections should be made unusable. Some participants were of the opinion that private collections of fully functional firearms should be prohibited and collections of such firearms should be limited to museums;

(e) *Private security*. Some participants suggested that if reasonable need could be established, corporate ownership of firearms for the purpose of private security should be considered.

2. Conditions for the ownership or possession of firearms

13. Participants at the workshops discussed the possible conditions that might be imposed for owning or possessing firearms. Some of the conditions discussed included age, necessity, training, criminal history, history of drug/alcohol abuse, mental fitness, physical fitness, safe storage, payment of taxes, community approval and spousal approval. Participants also expressed their views regarding the firearm authorization renewal procedures and the effect that strict regulations might have on firearm black markets.

3. Procedures for issuing firearm licences

14. Participants at the workshops discussed whether licensing was desirable as well as possible procedures that countries might introduce for issuing firearms licences. Though it was noted that certain countries might be limited by regional differences or by relatively low levels of administrative sophistication, participants discussed the following possible requirements for issuing firearm licences:

(a) Verification of residency;

(b) Verification of residents' familiarity with firearm legislation and conditions for use through practical measures such as written tests;

(c) Periodic inspection;

(d) Lower and upper age limits for possession of firearms; an upper age limit was considered important as age had been found to be associated with both physical and mental abilities. The discussion focused on the frequency with which medical exams should be given to licensees in different age groups. The view was expressed that each licensee should be required to undergo a medical examination once every year after reaching the age of 60;

(e) Consideration of regional differences: in some countries with large geographical and cultural differences, a uniform system might produce difficulties in imposing a standard set of regulations and enforcement. Hence, it was suggested that rules should be tailored to local cultural conditions. That meant that there was a need for close cooperation between police for technical and training

needs within the country, as well as with neighbouring countries;

(f) Strong emphasis on firearm training: where possible, there should be a system in place for the accreditation of firearm instructors;

(g) Intensive background checks: the background of an applicant for a firearm licence should be checked intensively before the licence was issued;

(h) Limitation of the number of firearms a person could purchase.

4. Procedure for introducing firearm regulations

15. Participants at the workshops considered means by which effective firearm regulatory systems could be introduced into countries with ineffective regulatory systems.

5. Conditions for firearm use

16. Some participants at the workshops mentioned various possible restrictions on the use of firearms, including the following: complying with restrictions on lending firearms; strictly observing conditions for carrying firearms; renewing licences periodically; registering firearms; obtaining an insurance policy for hunting to cover firearm accidents or misuse; and establishing real and serious reasons for requesting authorization to use firearms for personal protection.

6. Handling, storage and carrying of firearms

17. The issue of storage of firearms surfaced repeatedly in the discussions. Participants considered various safe storage requirements and safety training, and discussed the relationship of those issues to other issues such as licensing (e.g., fulfilling safe storage requirements should be made a prerequisite for issuing a licence, the need for licensees to be educated on precautions regarding where and how to keep firearms, etc.) but no consensus was reached by participants.

7. Missing, illegal or stolen firearms

18. Participants at the workshops considered various measures to ensure better prevention of the illegal transfer of or transactions in missing, illegal or stolen firearms. Some of the measures discussed included regular inspections, supervision, periodic audits and prosecution of negligent storage.

8. Categories of firearm violations

19. Participants at the workshops discussed various types of firearm violations. Those violations were generally divided into two types: regulatory violations and criminal misuse. Various penalties were discussed relating to those types of violations, including penalties ranging from forfeiture of firearm licences to severe criminal sanctions.

9. Recovering and removing firearms

20. Participants at the workshops examined various means for recovering and removing unwanted and/or illegal firearms from society, including voluntary programmes for private citizens to turn in to the authorities their unwanted and/or illegal firearms. Some participants suggested means such as:

(a) Amnesty programmes: the surrender of illegal firearms with immunity from prosecution, through legislation;

(b) Payment for the surrendered firearms (buy-back programmes);

(c) Destruction of surrendered or confiscated firearms;

(d) Prohibition of private firearm collections and limiting collections of firearms to museums.

21. Participants also discussed the importance of transnational cooperation in investigating and gathering evidence to retrieve stolen or illegal caches of firearms. Such cooperation could be facilitated by the following: entering into bilateral or multilateral treaties; sharing of technical information; participating in joint operations; and using Interpol to facilitate the exchange of information.

10. Firearm safety: public awareness and education

22. Participants at the workshops also discussed various programmes to increase public awareness and promote public education concerning firearm safety. Some of the elements of such programmes might include:

(a) Tailoring the programme to firearm licence holders, prospective applicants of firearm licences and unlicensed owners of firearms;

(b) Having a comprehensive understanding of the nature of the problem, supported by statistics on firearm-related mortality rates and the social cost of injuries and deaths caused by firearms and comparing those figures with those of neighbouring States;

(c) Prioritizing goals, developing appropriate strategies and establishing effective programmes;

(d) Discouraging the possession of firearms, but allowing the possession of a single firearm as an alternative;

(e) Involving the public in focal groups;

(f) Utilizing training programmes as an effective way to achieve goals, involving firearm users, the police, the judiciary, social and medical professions, women's groups and victim groups; and developing training programmes in schools similar to those on traffic safety;

(g) Using the media as an ally to promote public awareness; and involving television, newspapers and the Internet in programmes to promote public awareness, focusing on safety or on removing illegal and unsafe firearms;

(h) Highlighting the role of community policing, letting law enforcement officers work with the public by conducting seminars, and encouraging citizens to co-operate with law enforcement officers (as in neighbourhood watch programmes, seminars for the public in the area of identification of weapons and ammunition, and incentives to the public to report illegal activities); essentially, empowering people to help improve their lives;

(i) Using citizens' volunteer activities; and conducting symposia at the grass-roots levels;

(j) Exchanging information between the public and officials; establishing a home page on the Internet; preparing brochures with illustrations to reach a wider audience based on levels of education; and providing safety tips and other information in the licence application form;

(k) Focusing on families, paying special attention to the views of children and adolescents on firearms; and focusing on families at risk of being victimized by firearms (e.g. domestic violence, neighbourhood violence);

(l) Making periodic evaluations of the programme.

11. Definition of firearms

23. Participants at the workshops discussed the need for a clear definition of the term "firearm", and considered various possible definitions. Participants discussed the utility of including ammunition and explosives in a definition of firearms and also considered the utility of using the definition established by the Organization of American States (OAS). Some participants also expressed the opinion that failure to include ammunition and explosives in the definition would make for an incomplete portrayal of the seriousness of the problem.

B. International cooperation in combating illicit trafficking in firearms

24. Illicit trafficking in firearms was considered to be a major problem that required immediate action in all four regions in which the workshops were held. Participants stressed that the problem was beyond the scope of a domestic issue; thus, action coordinated at the international level was appropriate.

1. Sharing of information

25. The representative of Interpol emphasized that sharing information was a means of exploring areas of cooperation. The role of Interpol as a facilitator of information exchange was outlined. The representative of Interpol used case studies to explain various technical tools and databases such as the Interpol Weapons and Explosives Tracking System (IWETS), which assisted member States in tracing initiatives.

2. Technical issues of firearm ballistics and firearm tracing

26. A presentation on the technical issues of firearm ballistics and firearm tracing was followed by a discussion on approaches to exchanging information and the need for forging new technologies. The latest data management and analysis system programs, such as the Integrated Ballistic Identification System (IBIS) of the United States and the Firearm Registration Direct Entry System (FREDES) of Canada, were introduced.

27. The importance of defining and classifying firearms to facilitate easier communication between countries was discussed by participants. Some participants stated that even countries sharing the same language encountered problems of communication. Others stated that establishing a common set of vocabulary was essential not only in assisting law enforcement officers in tracing and identifying firearms in investigations, but also in legal and judicial matters.

3. Other related complementary regional and international initiatives on firearm regulation

28. Several regional or interregional successful initiatives on firearm regulation were discussed. The initiatives included the following:

(a) Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, adopted by OAS;

(b) Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition, approved by the Inter-American Drug Abuse Control Commission (CICAD) of OAS;

(c) Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at the common frontiers (Schengen Agreement of 14 June 1985);[2]

(d) Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

29. Participants noted that illicit traffic in firearms was an international phenomenon and as such required an international approach. They stressed that there was a need to build on such regional efforts as the OAS Convention. Accordingly, participants considered the inclusion of regional initiatives into the United Nations framework.

C. Involvement of civil society

30. In accordance with Economic and Social Council resolution 1997/28, paragraph 6, representatives of interested non-governmental organizations attended the workshop meetings, except where sensitive law enforcement issues were discussed, and made a statement on subjects covered in the agendas.

31. Statements made by representatives of non-governmental organizations reflected various views in civil society. Some were based on the views of victims of firearm-related crime and of citizens emphasizing freedom from fear of crime, in particular freedom from fear of firearm-related violence, calling for tighter control on firearm ownership in general. Some were representing the interests of owners of firearms for sporting, hunting and collecting purposes, claiming that action against criminal misuse of firearms should not impede, prevent or discourage the lawful and legitimate use of firearms, whereas some were representing firearm owners who were of the opinion that appropriate control of firearms and their owners was necessary to make the owners more responsible and personally accountable for any damage done with the firearms. Some of those organizations regarded firearm regulation as an important human rights issue, whereas others saw it as an issue of national sovereignty. Some approached it from the aspect of crime prevention; others approached it from the aspect of non-proliferation of small arms in conflicts and post-conflict situations, or international security.

32. In addition to those non-governmental organizations in consultative status with the Economic and Social Council whose representatives made statements at the workshops, representatives of the following non-governmental organizations provided comments and views on the issue: International Council of Women and World Confederation of Labour (general consultative status); Asia Crime Prevention Foundation, International Association of Judges, International Institute of Humanitarian Law, Penal Reform International and World Society of Victimology (special consultative status); and Defense for Children International Movement (roster A). Those non-governmental organizations expressed their support for the development of the declaration of principles described in paragraph 33 below.

D. Views on the development of a declaration of principles

33. Pursuant to Economic and Social Council resolution 1997/28, paragraph 6, the Secretary-General included in the agendas for the workshops the possible development of a United Nations declaration of principles, based on the regulatory approaches suggested by the Council in that resolution. The views of Governments on that subject, provided orally or in written form, reflected the results of the discussions described in paragraphs 11-29 above. The

views of the non-governmental organizations attending the workshops are described in paragraphs 30-32 above.

34. Pursuant to Economic and Social Council resolution 1997/28, paragraph 7, the Secretary-General sought the views of Member States, intergovernmental and non-governmental organizations and other entities on the same issue. In addition to the views of Governments that had been brought to the attention of the Commission at its fifth session in pursuance of Council resolution 1995/27, section IV (E/CN.15/1996/14 and Corr.1), more recent views were provided by the Governments of Germany, Spain and the Sudan.

35. Views on the issue were also provided by the secretariat of the Wassenaar Arrangement.

36. The elements for the possible development of a declaration of principles, based on the views provided, are presented below.

1. Legislation on firearms

37. Recognizing that States have developed different cultural and historical uses for firearms and that their sovereign rights to enact their own regulations on firearms should be respected, Member States should:

(a) Seek to promote the safety and well-being of their citizens and all persons within their jurisdictions in order to ensure freedom from fear of crime, in particular, freedom from fear of firearm-related violence;

(b) Take appropriate measures to regulate firearms, including those suggested in Economic and Social Council resolution 1997/28, paragraph 5;

(c) Seek to promote public awareness, in order for their citizens to acquire proper knowledge of firearms.

2. Illicit trafficking in firearms

38. Recognizing that the fight against illicit trafficking in firearms is beyond the scope of a domestic issue, that internationally coordinated action is immediately required to deal with it and that such action is not intended to discourage or diminish what Member States regard as lawful ownership and use of firearms, Member States should:

(a) Fight against illicit trafficking in firearms by developing standard systems for firearm identification and a stronger international regime for import and export licensing of firearms;

(b) Promote bilateral, multilateral, regional and global law enforcement cooperation and assistance, including, as appropriate, information exchange on firearm tracing, and technical cooperation to ensure that all Member States have sufficient capacity in that area;

(c) Invite Interpol to strengthen its role in facilitating the sharing of data and other information among States for international cooperation in the fight against illicit trafficking in firearms.

E. Evaluation

39. At the end of the workshops, each of the participants (a total of 149 experts from 79 countries) was requested to fill out an evaluation form. The mean average ratings (on a 16-point scale) given by the participants of the workshops were as follows:

Overall impression of the workshop	13.15
Usefulness of the workshop	13.83
Fulfilment of the workshop objectives	12.94
Satisfaction with the content	13.17
Quality of the materials	12.02
Services provided by the Secretariat	13.88
Administrative arrangements	13.81

40. In addition to their intended purpose of exchanging data and other information on firearm regulation, the workshops achieved other important goals, such as the following:

(a) Enabling the results of the United Nations International Study on Firearm Regulation to be put into practice, including by providing possibilities to fulfil technical assistance needs, by placing the results in a regional context, particularly in African and Asian countries;

(b) Providing a platform for the development of a common understanding related to the growing need for comprehensive binding legal instruments on the illicit movement of firearms throughout the world, such as the OAS Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, together with the CICAD Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition;

(c) Providing an opportunity for informal discussion of the possible expansion of the United Nations work in firearm regulation to include the area of criminal use of and trafficking in explosives.

III. Other relevant initiatives

A. Denver Summit of the Eight

41. In their communiqué issued at the conclusion of the Denver Summit of the Eight, on 22 June 1997, the heads of State or Government of seven leading industrial countries (Canada, France, Germany, Italy, Japan, United Kingdom and United States) and the Russian Federation expressed their will to combat illegal firearms trafficking by considering a new international instrument. They stated that they would seek to adopt standard systems for firearms identification and a stronger international regime for import and export licensing of firearms.

B. Organization of American States

42. On 13 November 1997, the General Assembly of OAS, at its twenty-fourth special session, adopted the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. The purpose of the Convention is to prevent, combat and eradicate illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials and to promote and facilitate cooperation and the exchange of information and experiences among the States parties to the Convention in order to pursue the above-mentioned goals. The suggested strategies include marking firearms, introducing stringent export and import and transit authorizations, strengthening controls at export points, confiscating illegally manufactured or illegally transported firearms and ammunition and exchanging information.

43. On 4 November 1997, CICAD, at its twenty-second regular session, approved the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition. The purpose of the Model Regulations is to set out, for use on a multilateral basis, harmonized measures and a harmonized system of procedures for monitoring and controlling the international movement of firearms, their parts and components and ammunition, in order to prevent their trafficking and diversion to illicit channels. The Model Regulations are an essential building block of the OAS Convention, focusing on improving the control of the legal international movement of firearms, their parts and components and ammunition.

C. International Criminal Police Organization

44. In July 1997, Interpol, at its sixty-sixth General Assembly, adopted a resolution on the manufacture, use and control of firearms and reaffirmed its continuous efforts to fight against the criminal misuse of firearms.

45. Pursuant to Economic and Social Council resolution 1997/28, paragraph 10, Interpol informed the Centre for International Crime Prevention that it planned to implement a survey on its members' capacities in tracing firearms and ballistic testing, to compile, to the extent possible, an index of common terms concerning firearms and to provide the results to the Commission.

D. Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies

46. According to the mandate of the Wassenaar Arrangement, which is to prevent the destabilizing build-up of military capabilities in order to contribute to regional and international security and stability, the States participating in the Wassenaar Arrangement control the export of most firearms at the national level. The Wassenaar munitions list includes all firearms and their ammunition, with the exception of collectors' items, sport and hunting shotguns and other firearms not considered to be militarily significant. The scope of the Wassenaar Arrangement includes a voluntary exchange of information on arms transfers. The Wassenaar Arrangement also establishes agreements and procedures that, although not directed at the prevention of illicit trafficking in firearms, may be useful in considering the development of regulations and improving the collection and sharing of information for the purpose of combating illicit trafficking in firearms.

E. Panel of Governmental Experts on Small Arms

47. The General Assembly, in its resolution 52/38 J, welcomed the submission of the report of the Secretary-

General prepared with assistance of the Panel of Governmental Experts on Small Arms (A/52/298, annex), which contained measures to reduce excessive and destabilizing accumulation and transfer of small arms and light weapons in specific regions of the world and to prevent such accumulations and transfers from occurring in future. The Assembly, in the same resolution, endorsed the recommendations contained in the report and requested the Secretary-General to implement the relevant recommendations, in particular to initiate a study on the problems of ammunition and explosives in all their aspects, as early as possible, within available financial resources, and in cooperation with appropriate international and regional organizations where necessary.

IV. Conclusion and proposal for consideration by the Commission

48. The United Nations International Study on Firearm Regulation made possible the successful compilation and dissemination of extensive information on the subject, which is both sensitive and, from the standpoint of crime prevention and public safety, important.

49. Using the draft of the study as a basis for considering measures to regulate firearms, the regional workshops on firearm regulation developed, to some extent, a common understanding of the national legislative issues and transnational aspects of illicit trafficking in firearms. Information useful to criminal justice administrators working in the field of firearm regulation was gathered at the workshops.

50. Through the discussions at the four regional workshops and from the views provided by Governments and intergovernmental and non-governmental organizations, it became apparent that the national legislative issues should be discussed bearing in mind the unique cultural, historical and political background of firearm ownership and use in each Member State, whereas illicit trafficking in firearms should be considered a major problem that requires immediate action coordinated at the international level. In both cases, the development of measures to deal with the problems will require maximum synergy involving Member States, the criminal justice community and civil society.

51. The study was used as a diagnostic tool to move the firearm regulation project from the analytical stage to the technical cooperation stage. There may now be a need to develop technical assistance projects in the field, including in tracing firearms and sharing relevant information for the purpose of combating illicit trafficking in firearms.

52. Since ammunition is a part of explosives, some participants in the regional workshops suggested that the study should also cover the question of criminal use and trafficking of explosives and their components and parts in the context of organized transnational crime.

53. In the light of the above and subject to the availability of additional resources, the Commission may wish to consider the following action:

(a) Continuing the collection of data and the dissemination of information on firearm regulation in the context of organized transnational crime, including reviewing the survey format with a view to extending its scope to include illicit trafficking in and criminal use of explosives;

(b) Developing a training manual on firearm regulation for criminal justice administrators, based on data, other information and materials collected on the occasion of the four regional workshops, and disseminating it through criminal justice educational institutions, including police colleges, in Member States (see annex II for a suggested outline for such a manual);

(c) Developing technical assistance programmes in order to ensure that Member States have the capacity to cooperate adequately with each other in the area of firearm regulation, *inter alia*, in tracing firearms and in sharing relevant information for the purpose of combating illicit trafficking in firearms.

Notes

[1] Sales No. E.98.IV.2.

[2] *International Legal Materials*, vol. XXX, No. 1 (1991).

Annex I

Programme of the regional workshops on firearm regulation

1. Opening of the workshop and organization of work.
2. Overview and discussion of the United Nations International Study on Firearm Regulation: contributions from the countries in the region.
3. National legislation and regulations relevant to firearm regulation and collection of comparable information.
4. Relevant initiatives for firearm regulation at the regional and interregional levels:
   (a) Information exchange (e.g. International Criminal Police Organization (Interpol));
   (b) Technical information: developments in firearm identification systems;
   (c) Standardizing descriptors (e.g. developing common terminology).
5. The situation with regard to transnational illicit trafficking in firearms:
   (a) Smuggling of and transnational illicit trafficking in firearms;
   (b) Bilateral, regional or multilateral agreements or arrangements on combating illicit trafficking in firearms;
   (c) National or international arrangements to control the legitimate movement of firearms;
   (d) Other relevant initiatives.
6. Statements of representatives of interested non-governmental organizations, in accordance with paragraph 6 of Economic and Social Council resolution 1997/28.
7. Possible development of a United Nations declaration of principles based on, *inter alia*, the following regulatory approaches:
   (a) Regulations relating to firearm safety and storage;
   (b) Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms;
   (c) Mitigation of, or exemption from, criminal responsibility, amnesty or similar programmes determined by individual Member States to be appropriate to encourage citizens to surrender illegal, unsafe or unwanted firearms;
   (d) A licensing system, including the licensing of firearm businesses, to ensure that firearms are not distributed to persons convicted of serious crimes or to persons who are prohibited under the laws of the respective Member States from owning or possessing firearms;
   (e) A record-keeping system for firearms, including a system for the commercial distribution of firearms and a requirement for appropriate marking of firearms at manufacture and at import, to assist criminal investigations, discourage theft and ensure that firearms are distributed only to persons who may lawfully own or possess firearms under the laws of the respective Member States.
8. Closure of the workshop.

Annex II

Outline of a training manual

Introduction

A. Firearm-related violence: a worldwide concern
   1. Inadequate firearm regulations and enforcement
   2. Proliferation of small arms in post-conflict situations
   3. Narcotics and firearms

B. Background for the manual
   1. Legislative background
   2. Substantive background

C. Focus of the manual

Chapter I. Responding to firearm-related violence: national firearm legislation and regulation

A. Purpose
   1. Culture of firearm ownership
   2. Sporting
   3. Business
   4. Collecting

B. Establishing suitability of ownership and use
   1. General conditions
   2. Psychological tests
   3. Other conditions

C. Establishing conditions for use
   1. Training
   2. Storage
   3. Carriage
   4. Transportation

D. Duration of licences

Chapter II. Initiatives to improve public safety with regard to firearm-related violence

A. Improving safety (e.g. safety features on firearms)

B. Pursuing expired licences

C. Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms

D. Public awareness programmes

1. Removal of extra firearms or amnesty programmes

2. Role of the media in reducing firearm-related violence

Chapter III. Record-keeping system for firearms

A. Record-keeping system for ownership and use

B. Record-keeping system for manufacturers

C. Record-keeping system for distributors

D. Marking and tracing firearms for investigative purposes

Chapter IV. Smuggling and illicit trafficking in firearms

A. Import and export regulations

B. Extent of smuggling of and illicit trafficking in firearms

C. Efforts to curb illicit trafficking in firearms

Chapter V. International cooperation

A. Need to establish cooperative efforts

B. Identification of areas that need bilateral, regional and international cooperation

C. Information-sharing

D. Technical assistance

E. Role of existing international organizations (e.g. the International Criminal Police Organization (Interpol))

F. Examples of regional and interregional cooperative efforts